Appellate Case: 08-2311 Document: 01018259379 Date Filed: 08/2 Tenth Circuige: 1

August 21, 2009

## UNITED STATES COURT OF APPEALS Elisabeth A. Shumaker Clerk of Court FOR THE TENTH CIRCUIT

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Plaintiff - Appellee,

v.

No. 08-2311 (D. C. No. 1:06-CV-001137-JB-ACT)

BOARD OF EDUCATION OF THE ALBUQUERQUE PUBLIC SCHOOLS,

Defendant - Appellant.

## **ORDER**

Appellant's motion to dismiss is granted. See Fed. R. App. P. 42(b).

This order shall stand as and for the mandate of the court.

Entered for the Court,

ELISABETH A. SHUMAKER, Clerk

Elisabeta a. Shumake